

**WAYS AND MEANS
COMMITTEE
of the
SUFFOLK COUNTY LEGISLATURE**

Minutes

A regular meeting of the Ways and Means Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on Thursday, **August 18, 2005**.

MEMBERS PRESENT:

Legislator Peter O'Leary • Chairman
Legislator John Kennedy • Vice•Chairman
Legislator Daniel Losquadro
Legislator Ricardo Montano
Legislator Elie Mystal

ALSO IN ATTENDANCE:

Mea Knapp • Counsel to the Legislature
Jim Spero • Director, Budget Review Office
Charles Gardner • Director of Consumer Affairs
Sandy Sullivan • Clerk's Office
Ben Zwirn • County Executive's Office
Bill Faulk • Aide to Presiding Officer
Warren Greene • Aide to Legislator Alden
Ed Hogan • Aide to Legislator Nowick
Frank Tassone • Aide to Majority Leader O'Leary
Pat Zielenski • Real Estate Division
Lynne Bizzarro • County Attorney
Kristine Chayes • Civil Service.
Jeff Tempera • Director Labor Relations
Fred Weimann • Suffolk Health Plan
Basia Braddish • County Attorney's Office
DeWitt Davies • Planning Department

All other interested parties

MINUTES TAKEN BY:

Alison Mahoney • Court Stenographer

MINUTES TRANSCRIBED BY:

Donna Catalano • Court Stenographer

(* THE MEETING WAS CALLED TO ORDER AT 9:43 A.M. *)

CHAIRMAN O'LEARY:

Good morning. I am going to call the meeting of the Ways & Means Committee to order. If you would all rise for Salute to the Flag led by Legislator Losquadro.

SALUTATION

Thank you very much. We have on the schedule today a public hearing. Are all the affidavits of publication in order?

MS. SULLIVAN:

They're in order.

PUBLIC HEARING

CHAIRMAN O'LEARY:

IR 1818, a Charter Law to secure private property rights (BINDER). Is there anyone here to speak on IR 1818? Hearing and seeing no one, I make a motion to close the hearing, seconded by Legislator Losquadro. On the question of the motion to close the hearing?

Hearing no one, all those in favor? Opposed? Abstentions? 1818, public hearing is **closed**. All right. We have some cards, public portion. Deborah Libaire. Good morning, Deborah. Would you, please, identify yourself for the record and make an effort to speak into the mike. Thank

you very much.

MS. LIBAIRE:

Yes. Deborah Libaire. I'm here representing the Boys and Girls Club of the Bellport area as a board member in regard to the conveyance of a parcel of land adjacent to land that the town is conveying to us for a new center.

CHAIRMAN O'LEARY:

You're referring to 1931?

MS. LIBAIRE:

Yes, I am.

CHAIRMAN O'LEARY:

You're obviously here in favor of that, correct?

MS. LIBAIRE:

Yes, I am.

CHAIRMAN O'LEARY:

Do you care to comment any further?

MS. LIBAIRE:

No. The only thing •• well, yes, actually. The only thing I would like to add is that we did meet with the town yesterday, and they were very specific about the land that they're conveying. And I think there are a number of other parcels adjacent to it that are the Countys. So we wondered if it could be looked into if any of those other parcels could be added.

CHAIRMAN O'LEARY:

Certainly. It's my understanding that this particular parcel is adjacent to the town properties.

MS. LIBAIRE:

It's actually ••

CHAIRMAN O'LEARY:

It's within the parcels that have been conveyed to the club, correct?

MS. LIBAIRE:

Yes.

CHAIRMAN O'LEARY:

Okay. Any questions from the committee? If not, thank you very much.

MS. LIBAIRE:

Thank you.

CHAIRMAN O'LEARY:

Patricia Maurice. Hello, Patricia.

MS. MAURICE:

Hello, Legislator O'Leary.

CHAIRMAN O'LEARY:

Former Juvenile Aide Bureau detective partner, way back.

MS. MAURICE:

Members of the Legislature, thank you for giving us this opportunity to speak with you today. In addition to what Deb Libaire has said, the property on Atlantic Avenue, as you know, is critical to us for frontage and appropriate access. I'd like to thank Legislator O'Leary and Legislator Foley for the advocacy that they have given so far on this issue and others who have worked with us; Jim Morgo, Tom Isles, Pat Zielenski. We appreciate all of your efforts. Hopefully, this piece of property will give us •• to not only be in the Bellport area, but to assist others in other communities, especially on the South Shore, with Boys and Girls Clubs also. Are there any questions for me?

CHAIRMAN O'LEARY:

I ask that question, Pat.

MS. MAURICE:

So sorry, I lost my mind.

CHAIRMAN O'LEARY:

You're taking my job away from me. Does the committee have any questions of Pat Maurice?
Hearing none, thank you.

MS. MAURICE:

Thank you very much.

CHAIRMAN O'LEARY:

You're very welcome. Frederick Weimann, Suffolk County Health Department. Good morning, Fred. Identify yourself for the record.

MR. WEIMANN:

Good morning. My name is Frederick Weimann. I'm the Chief Operating Officer of Suffolk Health Plan in the Suffolk County Department of Health Service.

CHAIRMAN O'LEARY:

You are speaking on IR 1634?

MR. WEIMANN:

That is correct. I spoke on the subject in June, and subsequent to that, I have been here a few times where it was tabled. And I'm here to just update you on what has happened since I last spoke in June. We have •• we, the Health Department •• I have requested through Suffolk Health Plan to the Health Department's contract unit, that this RFP be relet. We have identified two additional vendors who have assured me they will bid when it is relet. But due to the length of the RFP process, the plan does request that we be able to move forward with Marsh until such time as we have a successor contract through the new RFP process. And that's the extent of my comments.

CHAIRMAN O'LEARY:

Okay. Just a question for Counsel. Does that satisfy the concerns that Legislator Lindsay had expressed, who's not here, concerning this matter?

MS. KNAPP:

I do think that it certainly goes a long way to satisfying Legislator Lindsay's concerns, because he felt very strongly that there should have been more than one bidder. It's hard for me to speak for him to see if it satisfies all of his concerns.

CHAIRMAN O'LEARY:

Any questions for Mr. Weimann from the committee? Hearing none, thank you very much.

MR. WEIMANN:

Thank you.

CHAIRMAN O'LEARY:

Kristine Chayes from Civil Service. Good morning, Kristine. Can you just state your name for the record and what resolution you're here to speak on.

MS. CHAYES:

Kristine Chayes, I'm a Principal Personnel Analyst with the Civil Service Department. I'm here to speak on Intro Resolution 1817 which is establishing an application fee waiver policy for Civil Service exams.

We do have a number of problems with this Introductory Resolution. Basically, the State charges us one-half of the fee that we charge all candidates on State written exams. This is an examination fee. If we waive fees for candidates, we will still have to pay the State one-half of the normal fee that each candidate waived. We are the only County in the State authorized us to write our own exams and we do so for all public safety exams for which we charge a \$100 application processing fee, so we do not have to give the State 50 per candidate on those. In addition, we write our own exams for any title where we expect a large amount of candidates, like clerical exams. If we waive a fee, the State will still assess us one-half of the announced fee for that title.

Also, if this were simply a resolution requiring an applicant for an exam to show a copy of a Social Services Benefit Card or proof of collecting unemployment insurance, we could administer that. However, there are problems within the resolution such as making foster care parents eligible or those applicants who have an annual income below poverty guidelines, that is virtually impossible for our department to administer. We have no resources to evaluate or

determine annual income or to decide who qualifies as a foster parent or to determine who is enrolled in a certified job training program; certified by who? Our accountant majors, for example, in college; are they considered to be in a certified training program? We would have to say yes. Would that apply to high school students also? Probably. This could mean that all college students taking an exam or high school students in an appropriate curriculum, those fees would have to be waived.

In addition, many of our applicants are young people with little or no income. They may come from households of varying means and how would we determine who qualifies? Would we accept affidavits regarding individuals who are subsequently hired and are required to •• and we're required to recover the waived fee, exam fee for the exam that they took. That, again, would be impossible to administer, because we oversee not just the 12,000 County employees, but employees in all non•County jurisdiction as well. We are responsible for over 43,000 civil servants in not just the County but the towns, villages, school district, they all pay fees also.

This resolution would require us to waive all these fees and only get back from those hired by the County. Also, with the police exam, we have 25,000 candidates for the Police exam. The loss of revenue and the cost of our staff trying to determine who would be eligible for this waiver in a very limited time frame would be almost impossible to administer. We could try to work with the Police Department to provide some relief for candidates, for police officer candidates in the limited context of the Police Department recruitment initiatives, let's say a reduction in fees, we'd have to look at that. But again, it raises other questions. Individuals who feel they are entitled to a waiver and we deny it, what would that procedure be? Will they have an appeal process? Will we be able to determine who falsifies information and how to proceed with that? Would that result in future lawsuits?

For the above reasons, we, the Civil Service Department, are opposed to this resolution as it stands now because it would be almost impossible, it would be impossible for us to administer. If there are any questions, I'd be happy.

CHAIRMAN O'LEARY:

Yeah. Has this ••

LEG. MONTANO:

Mr. Chair?

CHAIRMAN O'LEARY:

Has this information that you've just reported to us been reported to the sponsor of this resolution?

MS. CHAYES:

I don't know if it has.

CHAIRMAN O'LEARY:

All right.

MS. CHAYES:

I know Alan Schneider has been in contact with the County Exec's Office and I believe possibly the sponsor. I would have to check that.

CHAIRMAN O'LEARY:

Okay. Yeah, would you check that to see that the sponsor is made aware of the concerns of the Civil Service Department?

MS. CHAYES:

We will. That said, just one last comment. The Executive •• if the County Executive and the Legislature both agree that there should be a waiver of exam fees, and the criteria established can be met by showing a card or some other simple documentation, we would be able to possibly administer that. It is just that the way this is written, we don't have the staff or the wherewithal to ••

CHAIRMAN O'LEARY:

Okay.

MS. CHAYES:

•• determine who gets a waiver and who doesn't.

CHAIRMAN O'LEARY:

Legislator Montano.

LEG. MONTANO:

Yes, good morning. You may have said this, but I really didn't hear it. Are there similar statutes in other jurisdictions that provide for this kind of waiver? My understanding was that there was, if you know.

MS. CHAYES:

I don't know. I don't know if there are.

LEG. MONTANO:

Okay, thank you.

MS. CHAYES:

Other jurisdictions, however, are probably not the size of Suffolk County either. We take in the largest candidate population for any Civil Service exam in New York State, that's our Police Officer, Deputy Sheriff, Correction Officer are also large ones. I don't think any County within the State has that kind of candidate field.

LEG. MONTANO:

What about New York City, do you know if New York City •• or you don't know even if New York City has them?

MS. CHAYES:

I don't know.

LEG. MONTANO:

My understanding was I think they did, but we can look into that.

CHAIRMAN O'LEARY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chairman. Ms. Chayes, I just have a couple of questions about your testimony and trying to understand, I guess, where the department's concerns are.

First of all, the fee, I guess, that the State collects, State Civil Service collects, regardless of whatever our charge would be, if it's \$25 for a Clerk Typist test, they're looking at 12.50 for each exam administered?

MS. CHAYES:

Yes.

LEG. KENNEDY:

There is no similar type of waiver or relief provision at the State level where there can be a demonstrated hardship?

MS. CHAYES:

No, there is not.

LEG. KENNEDY:

All right. So perhaps maybe that's something that bears some consideration on the other end. It also sounds, though, like the last piece that you testified to •• well, let's go to the revenue first. The first fees that are collected, the exam fees that are collected, how is that treated, how is that characterized? Is that deposited into the General Fund or is that a specific revenue stream to the Department of Civil Service?

MS. CHAYES:

I believe that goes to the Treasurer, the General Fund.

LEG. KENNEDY:

Okay. Have you done any kind of estimation as to ••

MS. CHAYES:

To my knowledge, I would have to check that.

LEG. KENNEDY:

Okay. So you have no estimate as to what the possible forgoing revenue at this point to the general fund may or may not be.

MS. CHAYES:

No.

LEG. KENNEDY:

All right.

MS. CHAYES:

I could find that out for you.

LEG. KENNEDY:

The last piece that you did describe, though, was that if, in fact, the parameters for relief seem to be a little tighter, like if somebody could demonstrate eligibility for let's say Social Security Disability or SSI disabled or something to that effect, a hearing decision, a card of eligibility or something along those lines, then your department would be at least relieved from having to do that fairly expansive ••

MS. CHAYES:

To make that determination of what is valid, what is not, what can we accept, what is not acceptable, yes.

LEG. KENNEDY:

So assuming that there would be some modification to the resolution •• I have no reason to assume that, but perhaps the sponsor entertained something to that effect •• then would the department be able to go ahead and move forward and be in a position to support it?

MS. CHAYES:

We would review it, obviously, and it would make it easier if there were some just card that they're showing for eligibility, that we would know we're looking for that card or not, that's fine, that makes it easier. But what it is here, determining eligibility level based on all these different criteria, we can't administer it.

LEG. KENNEDY:

And as to the economic impact, that's completely undetermined at this point.

MS. CHAYES:

Well, you can look at the fact that with our Police Officer exam, for example, we have an average of 25,000 candidates, we charge a \$100 application processing fee for each one, so it is a lot of income coming in just on the one.

LEG. KENNEDY:

Two point five mill or something like that.

MS. CHAYES:

On the one exam.

LEG. KENNEDY:

But that's the General Fund, that's not to Civil Service.

MS. CHAYES:

I believe so, I would have to check that out.

LEG. KENNEDY:

Okay. Thank you.

CHAIRMAN O'LEARY:

Any other questions from the committee?

LEG. MONTANO:

Yeah, just a comment.

CHAIRMAN O'LEARY:

Legislator Montano.

LEG. MONTANO:

Just looking at the resolution, it says that Nassau, Westchester, Putnam, Sullivan, Longwood, New York City, New York State have adopted similar policies. So you may want to look at that to see how they're implemented and whether, in fact, you know, these counties do have this policy.

And the last point, the last RESOLVED indicates that, you know, the department can promulgate rules and regulations to implement this, but I'd like to know what the other counties are doing with respect to this policy.

MS. CHAYES:

We'll check those other counties.

LEG. MONTANO:

Thank you, I appreciate it.

CHAIRMAN O'LEARY:

Just with respect to Legislator Montano's request, it would be apparent that we'll be tabling this resolution. Perhaps you can come to the next Ways & Means Committee to answer the questions that have been posed to you today.

MS. CHAYES:

I'd be happy to.

CHAIRMAN O'LEARY:

All right, thank you. Any other questions? Is there anyone else present that wishes to speak before the committee before we go to the agenda? I understand the County Attorney and the Director of Labor Relations wish to come up on some items that have been tabled, so we'll wait until those come before the committee. Anyone else want to speak before we go to the agenda? Hearing none, we will go to the agenda then. Tabled resolutions.

TABLED RESOLUTIONS

1283, adopting a Local Law No •• 2005, a Local Law amending Article II of the Suffolk County Administrative Code to provide for a two year term of the Presiding Officer (ALDEN). Counsel, what is the six month rule on this? When is six months up?

MS. SULLIVAN:

Nine•fifteenth.

MS. KNAPP:

The Clerk says September 15th.

CHAIRMAN O'LEARY:

Okay. There's still some concern about the language in this bill. I'm going to make a motion to table, seconded by Legislator Kennedy. On the question of the motion to table? Hearing no one, all those in favor? Opposed? Abstentions? 1283 is **tabled (VOTE:5•0•0•0)**.

1357, to protect Suffolk County employees from identity theft (ALDEN). County Attorney's Office, Lynne Bizzarro, and Director of Labor Relation wish to speak on this. Good morning.

MR. TEMPERA:

Good morning. Jeff Tempera, Director of Labor Relations. I've spoken on this resolution in the past as has Cheryl Felice, President of the Association of Municipal Employees and Ellen Schuller •Mauk of the Faculty Association. I think, you know, I stand by the comments we have made before, that the County, the unions, are addressing this issue. As an update, though, as I think everyone has heard, through the RFP process the administrator for EMHP is changing as of November 1st. We're going to Empire BlueCross BlueShield. And we have already had meetings with Empire. As of November 1st, when the new ID cards are issued, there will be no Social Security numbers on those ID cards.

I think there was a second provision called for in the resolution which dealt with the AME Benefit Fund. There's a meeting later this month that I assure you this will be a topic of discussion at the meeting. And I am co•chair of AME Benefit Fund. Clearly, we will be pushing to make a change. With regard to that, I think the comment made by both the unions and myself in the past still remain. We believe while we share your concerns, we are moving to make the changes that there is a Taylor Law issue with regards to this resolution. And that being said, we do share the concerns of the Legislature, and are moving to make those changes.

CHAIRMAN O'LEARY:

It's my understanding that it is applicable to only the AME Benefit Fund and not the other

benefit funds in the County.

MR. TEMPERA:

I believe that's how the resolution is worded.

CHAIRMAN O'LEARY:

Is worded.

MR. TEMPERA:

Yes, that's correct.

CHAIRMAN O'LEARY:

Legislator Kennedy.

LEG. KENNEDY:

Jeff, you made reference to the RFP process in the selection of Empire. That's for, I believe, the provision of fiscal care and hospitalization. Isn't there an RFP process going on right now as well for the mental health aspect, the health care benefit package?

MR. TEMPERA:

We've got two additional RFPs going on right now. As a matter of fact, when I leave here, I'm going to a meeting on one of the RFPs. We have an RFP for the drug provider that's currently moving forward. And we have an RFP for the mental health provider. Both of them simultaneously moving their way through the process. But we still only have one card that's used for all three vendors.

LEG. KENNEDY:

I see. So in other words, that identity card that gets issued is going to be something that's utilized for prescription drugs and for everything.

MR. TEMPERA:

What you have now with VYTRA on it, you will see at the bottom, it says "NPA," which NPA was taken over by ESI and Magellan, one card.

LEG. KENNEDY:

So the Social Security number issue then should be irrelevant across the board?

MR. TEMPERA:

Absolutely.

LEG. KENNEDY:

Okay.

CHAIRMAN O'LEARY:

County Attorney's Office, did you want to speak on this?

MS. BIZZARRO:

Thank you. Lynne Bizzarro, Chief Deputy County Attorney. Just to ditto Jeff Tempera's remarks regarding ••

MR. TEMPERA:

It's a legal term.

MS. BIZZARRO:

Trying to lighten things up. Regarding that there is a potential for a Taylor Law issue. We do have an opinion from Richie Zuckerman indicating that there may very well be a Taylor Law issue herein. So in light of what Mr. Tempera just represented to the committee, you know, it looks like it's an issue that's already been resolved, I don't see that this resolution needs to go forward.

CHAIRMAN O'LEARY:

Okay. Any questions from the committee on 1357? I will make a motion to table, seconded by Legislator Losquadro. Any questions on the motion to table? Hearing none, all those in favor? Opposed? Abstentions? 1357 is **tabled (VOTE:5•0•0•0)**.

MR. TEMPERA:

Thank you.

MS. BIZZARRO:

Thank you.

CHAIRMAN O'LEARY:

Thank you very much.

1634, requesting legislative approval of a contract award for brokerage services for the procurement of HMO reinsurance for the Department of Health Services, Suffolk Health Plan (COUNTY EXEC). I'm going to make a motion to table for one cycle to touch base with Minority Leader Legislator Lindsay to see if his concerns are satisfied with respect to the statements made by Mr. Weimann this morning.

LEG. MONTANO:

I will second that.

CHAIRMAN O'LEARY:

Seconded by Legislator Montano. On the question of the motion to table for one cycle? Hearing none, all in favor? Opposed? Abstentions? 1634 is **TABLED (VOTE:5•0•0•0)**.

1651, authorizing the sale of County owned real estate pursuant to Section 215, New York State County Law to Thomas and Marie Doroski (CARACCIOLO). I understand from Counsel there are still some concerns and problems with this. The sponsor is aware of it. I make a motion to table, seconded by Legislator Kennedy. On the question of the motion to table? Hearing no one, all in favor? Opposed? Abstentions? **Tabled (VOTE:5•0•0•0)**.

1777, adopting Local Law No •• 2005, a Charter Law to prohibit campaign contributions from contractors doing business with the County of Suffolk (CARACCIOLO). Public hearing was closed 8/9/05. I make a motion to table, seconded by Legislator Montano. On the question of the motion to table? Hearing none, all those in favor? Opposed? Abstentions? 1777 is **tabled (VOTE:5•0•0•0)**.

1778, adopting salary plans for employees who are excluded from Bargaining Units (O'LEARY).

LEG. MONTANO:

Motion to approve.

LEG. MYSTAL:

Second.

CHAIRMAN O'LEARY:

I will make a motion to table.

LEG. KENNEDY:

Second.

CHAIRMAN O'LEARY:

Seconded by Legislator Kennedy. On the question of the motion to table? All those in favor? Opposed? Abstentions?

LEG. MONTANO:

Opposed.

LEG. MYSTAL:

Opposed.

CHAIRMAN O'LEARY:

Motion to table is **approved (VOTE:3•2•0•0 • Opposed: Legis Montano and Mystal)**

1783, adopting salary plans for employees who are excluded from Bargaining Units (COUNTY EXEC).

LEG. MONTANO:

Motion to approve.

LEG. MYSTAL:

Second.

CHAIRMAN O'LEARY:

I'll make a motion to table, seconded by Legislator Losquadro. On the question of the motion to table? All those in favor? Opposed? Abstentions? Two opposed, three•two. **TABLED (VOTE:3•2•0•0 • Opposed: Legis Montano and Mystal)**

And something is amiss here.

INTRODUCTORY RESOLUTIONS

1785, authorizing certain technical corrections to adopted Resolution No. 347•2005 (COUNTY EXEC). I make a motion to approve and place on the Consent Calendar.

LEG. LOSQUADRO:

Second.

CHAIRMAN O'LEARY:

On the question of the motion to approve and place on the Consent Calender? Hearing none, all in favor? Opposed? Abstentions? 1785 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:5•0•0•0).**

1786, authorizing certain technical corrections to adopted Resolution No. 417•2005 (COUNTY EXEC). I understand from Counsel that this is not really a technical correction, that it should be amended by a regular resolution. Do you want to explain that, Counsel, please?

MS. KNAPP:

Technical corrections, as a rule, change what could be termed errors of one or two digits on a Capital Project number. If a name of an organization appears as "Visiting Nurses, Inc.", rather than "Visiting Nurse Corporation," that could be a technical correction. There are some real substantive changes in this resolution. As a matter of fact, some of the errors have not even been corrected in the technical correction. Therefore, this one is not a technical correction and must be amended by a resolution that sets forth the amendments.

CHAIRMAN O'LEARY:

Okay. I will make a motion to table, seconded by Legislator Losquadro. On the question of the motion to table? Hearing none, all those in favor? Opposed? Abstentions? 1786 is **tabled**

(VOTE:5•0•0•0).

1787, authorizing certain technical corrections to adopted Resolution No. 152•2005 (COUNTY EXEC). Motion to approve by myself, seconded by Legislator Losquadro. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 1787 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:5•0•0•0).**

1788, authorizing certain technical corrections to adopted Resolution No. 610•2005 (COUNTY EXEC). Same motion, same second. On the question of the motion? Hearing none, all in favor? Opposed? Abstentions? 1788 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:5•0•0•0)**

1793, authorizing conveyance of parcel to the Town of Riverhead (Section 72•H, General Municipal Law) for road improvement purposes (CARACCILO). Is Ms. Zielenski here or somebody from Real Estate? Good morning, Pat.

MS. ZIELENSKI:

Good morning.

CHAIRMAN O'LEARY:

1793 is before us. Do you want to explain that, Ben, what road improvement?

MS. ZIELENSKI:

I'm not sure what road improvement. This was a request ••

MS. KNAPP:

This is a round•about.

CHAIRMAN O'LEARY:

This is a round•about?

MS. KNAPP:

That's my understanding. This is a Legislator Caracciolo's resolution. Apparently, the Town of Riverhead has requested property at the intersection of Horton Avenue and Osbourne Avenue,

and they want it for the purpose of creating a roundabout for traffic safety purposes.

CHAIRMAN O'LEARY:

Okay. I will make a motion to approve, seconded by Legislator Losquadro and place on the Consent Calendar. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 1793 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:5•0•0•0)**.

1794, sale of County owned real estate pursuant to Local Law 13•1976 the Faith House of Prayer Logic Inc. (COUNTY EXEC).

MS. ZIELENSKI:

This is an appraisal of \$7500 for direct sale. The winning bidder was at 75 •• the only bidder was at \$7500.

LEG. LOSQUADRO:

Same motion.

CHAIRMAN O'LEARY:

Same motion, same second. On the question? Hearing no one, all those in favor? Opposed? Abstentions? **APPROVED** and placed on the **CONSENT CALENDER (VOTE:5•0•0•0)**.

1795, sale of County owned real estate pursuant to Local Law 13•1976 Leonard and Michele Ricciardi (COUNTY EXEC).

MS. ZIELENSKI:

This is also a direct sale. The appraised value is twelve•five, and the winning bid was \$12,511.

LEG. LOSQUADRO:

Also same motion.

CHAIRMAN O'LEARY:

Same motion, same second. On the question? Hearing none, all those in favor? Opposed? Abstentions? 1795 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:5•0•0•0)**.

1796, sale of County owned real estate pursuant to Local Law 13•1976 Juanita McClane (COUNTY EXEC).

MS. ZIELENSKI:

Direct sale \$2000, appraised value \$2000 bid.

CHAIRMAN O'LEARY:

Same motion, same second. On the question? Hearing none, all in favor? Opposed? Abstentions? 1796 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:5•0•0•0)**.

1797, sale of County owned real estate pursuant to Local Law 13•1976 Robert Grant (COUNTY EXEC).

MS. ZIELENSKI:

Direct sale. Fifty•two fifty was the appraised value, and 5,500 was the bid.

LEG. MONTANO:

Question.

CHAIRMAN O'LEARY:

Legislator Montano with a question on 1797.

LEG. MONTANO:

Just generally, on these appraisals, who does these appraisals, they're done outside?

MS. ZIELENSKI:

They're done by a consultants, that's correct.

LEG. MONTANO:

We just get one appraisal?

MS. ZIELENSKI:

In most cases we just get one appraisal, yes.

LEG. MONTANO:

Because the values are low, so I gather we're not talking a lot of land.

MS. ZIELENSKI:

No. They're usually parcels that are only suitable for adjacent parcel use, they're not buildable.

LEG. MONTANO:

They're not buildable. All right. Thanks.

LEG. MYSTAL:

This one is 50 by 100?

LEG. MONTANO:

You can build on 50 by 100.

MS. ZIELENSKI:

In some places you can, in some places you can't.

LEG. MONTANO:

Where is this?

MS. KNAPP:

Shirley. It's 50 by 110. It's in Shirley. My understanding is, though, that when the County conveys it, they make it unbuildable.

MS. ZIELENSKI:

That's true. They restrict the deed. It's in the next to the last resolved that there is •• that it has to be merged with an adjacent parcel and that the covenant restriction will run with the land.

CHAIRMAN O'LEARY:

Legislator Mystal sharing the mike with Legislator Montano.

LEG. MYSTAL:

Could that become affordable housing, that piece of land, 50 by 100? Could we build something on there as affordable housing?

MS. ZIELENSKI:

Usually by the time they reach this point, they have been vetted through Planning who has made a determination that it needs to be merged with the adjacent parcel for whatever reason.

LEG. MONTANO:

Do you know how we got the property? It's 50 by 100, what was there before?

MS. ZIELENSKI:

Most of these properties are tax default properties.

LEG. MONTANO:

Thank you.

CHAIRMAN O'LEARY:

I will make a motion to approve and place on the Consent Calendar, seconded by Legislator Losquadro. Hearing none, all in favor? Opposed? Abstentions? 1797 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:5•0•0•0)**.

1798, sale of County owned real estate pursuant to Local Law 13•1976 Anything You Want, LLC (COUNTY EXEC).

MS. ZIELENSKI:

This, again, is a direct sale with a \$12,500 appraisal and \$24,500 bid.

CHAIRMAN O'LEARY:

Twice the appraisal amount. Very good. Okay. Same motion, same second to approve and

place on the Consent Calendar. On the question of the motion? Hearing one, all those in favor? Opposed? Abstentions? 1798 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:5•0•0•0)**.

1800, is this as•of•right redemption?

MS. ZIELENSKI:

Yes, but I think we skipped one.

LEG. LOSQUADRO:

You skipped 1799.

CHAIRMAN O'LEARY:

Oh, that's right. Okay.

1799, sale of County owned real estate pursuant to Local Law 13•1976 Marlene Thomas (COUNTY EXEC).

MS. ZIELENSKI:

This is a direct sale with a thousand dollar value and a \$2000 bid.

CHAIRMAN O'LEARY:

Thousand dollar value and \$2000 dollar bid, doing well. Same motion, same second to approve and place on the Consent Calender. On the question of the motion? Hearing none, all in favor? Opposed? Abstentions? 1799 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:5•0•0•0)**.

1800, authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Estelle Brown as surviving spouse, sole heir and distribute of Thomas Brown, deceased (COUNTY EXEC).

MS. ZIELENSKI:

This is an as•of•right redemption as are the next nine on this page.

CHAIRMAN O'LEARY:

We'll move right along with the as-of-right redemptions rather quickly. Legislator Mystal has requested that we expedite this meeting. We will do everything possible to do that.

LEG. MYSTAL:

That's so white of you.

1801, authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Linda L. Schmid (COUNTY EXEC).

1802, authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act, David Baram (COUNTY EXEC).

1803, authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Phillip W. Ryan (COUNTY EXEC).

1804, authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Geraldine Reifschneider (COUNTY EXEC).

1805, authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Carol Perez (COUNTY EXEC).

1806, authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Pamela J. Maraldo (COUNTY EXEC).

**1807, authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Steven J. Borodin and Janice Bernstein, as tenants in common.
(COUNTY EXEC).**

1808, authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Merna Gaglione (COUNTY EXEC).

1809, authorizing the sale, pursuant to Local Law 16•1976, of real property acquired

under Section 46 of the Suffolk County Tax Act, David Prager and Robin Prager (COUNTY EXEC).

1810, authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Brentwood Church of God in Christ, Inc. (COUNTY EXEC).

1811, authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Arnold Malen and Frances Malen, his wife (COUNTY EXEC).

1812, authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Spuds Electric Service, Inc. (COUNTY EXEC).

1813, authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act, George W. Seymore, Jr. as executor of the estate of Cassie O. Seymore, surviving tenant by the entirety (COUNTY EXEC).

1814, authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Daniel J. McCue (COUNTY EXEC).

Do I have a motion to approve and place on the Consent Calender of the previous resolutions I just stated, 1800 through 1814? There is a motion by Legislator Montano to approve and place on Consent Calender, seconded by myself. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? **APPROVED** and placed on the **CONSENT CALENDER (VOTE:5•0•0•0).**

1815, sale of County owned real estate pursuant to Local Law 13•1976 John Ingrassia and Tatiana Ingrassia, his wife (COUNTY EXEC).

MS. ZIELENSKI:

This is a direct sale with a \$6000 appraisal and \$6000 bid.

CHAIRMAN O'LEARY:

Motion by myself to approve and place on the Consent Calender, seconded by Legislator Losquadro. On the question of the motion? Hearing none, all in favor? Opposed? Abstentions? 1815 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:5•0•0•0•0)**.

1816, authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Gilbert W. Davis and Diane Davis, his wife (COUNTY EXEC).

Motion to approve and place on the Consent Calender by myself, seconded by Legislator Kennedy. On the question of the motion? Hearing none, all in favor? Opposed? Abstentions? 1816 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:5•0•0•0•0)**.

Are there any other Real Estate •• you might as well sit there and wait, Pat, there's a couple more coming down.

1817, establishing an Application Fee Waiver Policy for Civil Service examinations (BISHOP).

LEG. KENNEDY:

Motion to table.

CHAIRMAN O'LEARY:

Motion to table by Legislator Kennedy, seconded by Legislator Mystal. On the question of the motion? Hearing none, all in favor? Opposed? Abstentions? 1817 is **TABLED. (VOTE:5•0•0•0•0)**.

1818, adopting Local Law No •• 2005, a Charter Law to secure private property rights. We had the public hearing, it was closed this morning. I understand that there is a •• where are my notes here? Is there any issue with respect to this particular language or this particular resolution?

MS. KNAPP:

There is a section number in a part of the resolution that has nothing to do with the substance of it that has an incorrect number in it. I will comment that it's the number that previous

Legislative Counsel used on every single Charter Law, which is the reason that it was in this one. However, I agree that the number may be inaccurate.

CHAIRMAN O'LEARY:

All right. Would it be possible to amend that, discharge without recommendation, and have this amended before the General on Tuesday?

MS. KNAPP:

I'm afraid that every amendment needs to comply with the seven day rule, so absent a Certificate of Necessity on this one, it would not be eligible.

CHAIRMAN O'LEARY:

All right. I will entertain a motion the table by Legislator Kennedy, seconded by Legislator Losquadro. On the question of the motion to table? Hearing none, all in favor? Opposed? Abstentions? 1818 is **tabled (VOTE:5•0•0•0)**.

Will Counsel contact the sponsor of the resolution and advice him of the particular technical problem?

1820, adopting Local Law No •• 2005, a Local Law to extend and further strengthen the reporting for the Anti•Nepotism Statute (CARACCIOLO). The public hearing is set for 8/23 at the General Meeting. I make a motion to table, seconded by Legislator Mystal. On the question of the motion? Hearing none, all in favor? Opposed? Abstentions? 1820 is **TABLED (VOTE:5•0•0•0)**.

1822, authorizing the sale of County owned real estate pursuant to Section 215, New York State County Law to Esther E. Rohrbacher as surviving tenant by the entirety (BINDER). Pat, do you have any details on this?

MS. KNAPP:

This is an as•of•right 215 to the extent that Ms. Rohrbacher and the investigation done by the Legislator's office has really been exhaustive. Ms. Rohrbacher has •• more than complies with the statute in that she's been hospitalized for sever psychiatric health problems and has not been able to comprehend her need to pay her tax bill, and we have a doctor's statement to that effect.

CHAIRMAN O'LEARY:

Can she now comprehend the fact that he she's going to be paying the taxes, back taxes?

MS. KNAPP:

I believe Ms. Rohrbacher has either had a court•appointed guardian or her son•in•law has come in and has really taken charge of her affairs. She's very, very seriously ill.

MS. ZIELENSKI:

Yes. James Rohrbacher was the one who presented to our office.

CHAIRMAN O'LEARY:

Okay. Hearing no objection to move this bill, I will make a motion to approve seconded by Legislator Montano. On the question of the motion to approve and place on the Consent Calender.

MS. KNAPP:

Yes.

CHAIRMAN O'LEARY:

And place on the Consent Calender. All in favor? Opposed? Abstentions? 1822 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:5•0•0•0)**.

1825, authorizing certain technical corrections to adopted Resolution No. 695•2005 (COUNTY EXEC). Motion to approve by myself, seconded by Legislator Kennedy and place on the Consent Calender. On the question? Hearing none, all those in favor? Opposed? Abstentions? 1825 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:5•0•0•0•0)**.

1826, authorizing certain technical corrections to adopted Resolution No. 299•2005 (COUNTY EXEC). Same motion, same second to place on the Consent Calender. On the question of the motion? Hearing none, all in favor? Opposed? Abstentions? 1826 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:5•0•0•0•0)**.

1827, adopting Local Law No •• 2005, a Local Law amending Local Law No. 42•1999, providing for equitable compensation for the District Attorney (COUNTY EXEC). I have a note here that the County Attorney's Office wishes to speak on 1827.

MS. BIZZARRO:

No. I can wait until the next meeting, that's fine.

CHAIRMAN O'LEARY:

Okay. Motion to table subject to a public hearing that's set on 8/23 at the General Meeting by myself, seconded by Legislator Montano. On the question of the motion? Hearing none, all in favor? Opposed? Abstentions? 1827 is **tabled (VOTE:5•0•0•0)**.

1830, approving payment to General Code Publishers for Administrative Code pages (PRESIDING OFFICER). Motion to approve and place on the Consent Calender by myself, seconded by Legislator Montano. On the question of the motion? Hearing none, all in favor? Opposed? Abstentions? 1830 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:5•0•0•0)**.

1836, accepting and appropriating 100% grant funds from the New York State Department of Labor to fund a Disability Program Navigator (DPN) (COUNTY EXEC). Motion to approve by myself, seconded by Legislator Montano and to place on the Consent Calender. On the question of the motion? Hearing none, all in favor? Opposed? Abstentions? 1836 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:5•0•0•0)**.

1837, accepting and appropriating 100% pass•through funds from the New York State Education Department (NYSED) (COUNTY EXEC). Same motion, same second to approve and place on the Consent Calender. On the question of the motion? Hearing none, all in favor? Opposed? Abstentions? 1837 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:5•0•0•0)**.

1867, establishing a policy and procedure for the naming of County facilities (COOPER). Can I have an explanation on this, please?

MS. KNAPP:

This is a resolution that would basically set up a committee consisting of the Presiding Officer, the County Executive, the Minority Leader, the Chairman of Ways & Means and the Commissioner of Public Works. The committee would make recommendations to the full Legislature as to the appropriate •• the appropriateness of any proposed naming of a County building, and there are some criteria contained in the resolution right now. And the criteria basically is not exclusive, but they must consider these criteria. I can go through each one with if you like. If it's going to be named after an individual, the person has to be dead at least six months, that's one of the possible criteria. If it's to be named post humously, consideration should be given if the death was related to County service. If it's to be named after an individual, that individual should have been providing service to the County. If consideration is going to be given to someone who's alive, that person has to be at least 65. If it's going to be named after a group, 50% of the development cost or maintenance should be paid for by that group. There should be a relationship between the group and/or the individual being considered and the location and type of facility. And the same ••

CHAIRMAN O'LEARY:

I think that's sufficient. Thank you very much, Counsel. There's enough information that's been raised there to warrant a motion to table.

LEG. MONTANO:

Second.

CHAIRMAN O'LEARY:

Seconded by Legislator Montano. On the question of the motion to table? All those in favor? Opposed? Abstentions? 1867 is tabled for further consideration and inquiries. **TABLED (VOTE:5•0•0•0).**

1869, authorizing certain technical corrections to adopted Resolution No. 525•2005 (COUNTY EXEC). Motion to approve and place on the Consent Calendar by myself, seconded by Legislator Kennedy. On the question of the motion? All those in favor? Opposed? Abstentions? 1869 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:5•0•0•0).**

1870, authorizing certain technical corrections to adopted Resolution No. 523•2005 (COUNTY EXEC). Same motion, same second. On the question of the motion? Hearing none, all in favor? Opposed? Abstentions? 1870 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:5•0•0•0).**

1871, authorizing the transfer of eight surplus County computers to the Pilot Club of Sayville, Inc. (LINDSAY). Is there a motion to approve? By Legislator Montano, seconded by Legislator Mystal. On the question of the motion to approve? Hearing none, all those in favor? Opposed? Abstentions? 1871 is **APPROVED (VOTE:5•0•0•0).**

1873, authorizing the use of County facilities by SCORE in connection with providing business counseling services to the public (COUNTY EXEC). Is this a lease agreement? My understanding is there is no location given. Good morning, Basia.

MS. BRADDISH:

Good morning.

CHAIRMAN O'LEARY:

You may come up and be recognized to speak before the committee. How are you this morning?

MS. BRADDISH:

I'm fine.

CHAIRMAN O'LEARY:

How's my lease agreement with the field office on Neighborhood Road going?

MS. BRADDISH:

I don't have an answer for you on that one.

CHAIRMAN O'LEARY:

Has it been forwarded to the Executive's Office?

MS. BRADDISH:

Yes, it has.

CHAIRMAN O'LEARY:

Is there consideration of it being laid on the table in the very near future?

MS. BRADDISH:

I can't answer that question.

CHAIRMAN O'LEARY:

I know you can't. Basia, you want to speak on SCORE? Is there a location that's been identified?

MS. BRADDISH:

Yes, there is. The location in the second floor of the Dennison Building. However, the license agreement •• this isn't a lease, so it's terminable at any time •• was not identified in order to avoid future movement that may be necessitated because of County requirements. This group doesn't require exclusive use of a site. Basically all they do is they need a place to keep a file cabinet and to meet with prospective clients when they come in, I guess, they would be called clients. So that what the license was written is that they would go to the Space Steering Committee so that there would be a record of what space they were using. However, if there was a need for them to meet somebody other than Hauppauge or •• they have also been using one of the Legislator's offices, that would be available to be convenient to the population that they serve.

CHAIRMAN O'LEARY:

This is strictly a voluntary group?

MS. BRADDISH:

This is a strictly voluntary group. They get minimal federal funding, and it's all volunteer services.

CHAIRMAN O'LEARY:

Do they receive any other funding besides federal funding?

MS. BRADDISH:

Not that I'm aware of. But they might •• I think it's funneled through the state, so they might get a little more from the state. But I think in speaking with the individual representative, they get about \$900. It basically covers their paper.

CHAIRMAN O'LEARY:

There's no funding from the County as far as you know?

MS. BRADDISH:

No. No.

CHAIRMAN O'LEARY:

Okay. I will entertain a motion to approve by Legislator Losquadro, seconded by Legislator Kennedy. On the question of the motion to approve? Hearing none, all those in favor? Opposed? Abstentions? 1873 is **APPROVED (VOTE:5•0•0•0)**.

1886, authorize the extension of a lease of premise located at Bay Shore Mini Center, Bay Shore, for use by the Department of Police (COUNTY EXEC). Is this Highway Patrol?

MS. BRADDISH:

This is Highway Patrol.

CHAIRMAN O'LEARY:

This is a lease agreement that we're looking to approve here?

MS. BRADDISH:

Yeah. It's actually an interim measure.

CHAIRMAN O'LEARY:

This is just an extension of an existing?

MS. BRADDISH:

They've been using the facility, Touro has asked that they leave. They actually wanted them to leave this summer. However, we hadn't resolved where we were going to go, so they agreed to allow the Highway Patrol to still stay until the end of October. At that point, although, we

haven't resolved where they're going, Touro needs to refurbish the premises so that they can commence classes there in January.

CHAIRMAN O'LEARY:

All right. I know this is not your purview, but my sense is that the Executive Office is being selective on lease agreements that they're sending over to this committee for approval and perusal. I just wanted to make the Executive's representative who's here aware of that fact that it's come to my attention that there are other lease agreements that are sitting on desks over in the Executive's Office, and for unknown reasons, they're not being brought before this body for approval or perusal.

I'm not being a mean-spirited individual, I'm not going to move to table these lease agreement before me, but I certainly want them to be aware of the fact that, and I hope that Mr. Zwirn who's present here today will convey that message, when lease agreements are worked out through the County Attorney's Office unless, there's good cause and reason not to bring before this body for purusal, they should send them all over.

And, again, Basia, I didn't want to •• that's no reflection on you at all. All right. On the extension of a lease of premises located at Bay Shore Mini Center, Bay Shore, there's a motion to approve by Legislator Montano?

LEG. MONTANO:

Yes.

CHAIRMAN O'LEARY:

Is there a second?

LEG. MYSTAL:

Second.

LEG. MONTANO:

On the question. With respect to the comment that you just made with respect to other leases. I don't think there's any mechanism where a lease can be approved without coming before the Legislature, is there?

CHAIRMAN O'LEARY:

I don't believe so. Are you aware of any?

MS. BRADDISH:

For leases, no.

CHAIRMAN O'LEARY:

All lease have to come before this body for approval?

MS. BRADDISH:

Yes.

CHAIRMAN O'LEARY:

License agreements?

MS. BRADDISH:

Don't.

LEG. MONTANO:

Okay.

CHAIRMAN O'LEARY:

All right. On the of the motion to approve 1886? Hearing none, all those in favor? Opposed? Abstentions? 1886 is **APPROVED (VOTE:5•0•0•0)**.

1901, authorizing the sale of County owned real estate pursuant to Section 72•H of the General Municipal Law to the Town of Brookhaven (COUNTY EXEC). I will make a motion to approve, seconded by Legislator Kennedy and to place on the Consent Calendar. On the question on the motion? Hearing none, all those in favor? Opposed? Abstentions? 1901 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:5•0•0•0)**.

1903, adopting Local Law No •• 2005, a Local Law to protect Suffolk residents by enacting the Suffolk County Health Care Security Act (LINDSAY). Public hearing is set for 8/23. Legislator Lindsay, I know is here, do you wish to speak on this?

LEG. LINDSAY:

No, just that it has to be tabled.

LEG. MONTANO:

Motion to table.

CHAIRMAN O'LEARY:

Motion to table by Legislator Montano, seconded by myself. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 1903 is **TABLED (VOTE:5•0•0•0)**. **The** public hearing is set for 8/23 at the General Meeting.

1911, authorizing the lease of premises located at 950 Sylvan Avenue, Bayport, NY for use by the Department of Public Works (COUNTY EXEC). I understand this is truck storage.

MS. BRADDISH:

Correct, for the Sanitation Department.

CHAIRMAN O'LEARY:

I'm going to make a motion to table, seconded by Legislator Losquadro. On the question of the motion to table?

LEG. MONTANO:

Is there a reasons for the tabling?

CHAIRMAN O'LEARY:

I want some more details, and I want to speak to the Department of Public Works regarding this lease.

LEG. LINDSAY:

I think there's a public hearing in it too at my office. I don't think you can act on it now anyway.

MS. KNAPP:

There is a public hearing scheduled on this one, that's correct. There's also no disclosure statement on this one. It wasn't filed.

MS. BRADDISH:

I'll provide them. I will have those in my office.

CHAIRMAN O'LEARY:

The bottom line is there are still questions on this particular lease. Motion to table by myself, seconded by Legislator Kennedy. On the question of the motion to table 1911? Hearing none, all those in favor? Opposed? Abstentions? 1911 is **tabled (VOTE:5•0•0•0)**.

1925, authorizing the sale of County owned real estate pursuant to Section 215, New York State County Law to Jack Ciancimino and Cynthia Ciancimino, his wife (SCHNEIDERMAN). Pat, can you explain?

MS. ZIELENSKI:

It's a 215 that was put in by Legislator Schneiderman, and it's timely.

MS. KNAPP:

This one, again, meets the medical criteria. This man has •• he originally started with Lyme's Disease that was misdiagnosed. He has •• do you want me to go everything?

CHAIRMAN O'LEARY:

No. No.

MS. KNAPP:

I mean some of it is tough to read. He has a letter from a doctor who has been treating him since 1994.

CHAIRMAN O'LEARY:

That's all right. There is sufficient information.

MS. KNAPP:

Yes.

CHAIRMAN O'LEARY:

Motion to approve by myself, seconded by Legislator Kennedy and to place on the Consent Calender. On the question of the motion to approve and place on the Consent Calender? Hearing none, all those in favor? Opposed? Abstentions? 1925 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:5•0•0•0)**.

1931, authorizing the conveyance of parcel to the Town of Brookhaven for use as a community center (Section 72•H, General Municipal Law) (O'LEARY). We had two speakers during the public portion today. I will make a motion to approve.

LEG. LOSQUADRO:

Second.

CHAIRMAN O'LEARY:

And place on the Consent Calender. Seconded by Legislator Losquadro. On the question of the motion?

LEG. MONTANO:

I just have one question.

CHAIRMAN O'LEARY:

Yes. Legislator Montano.

LEG. MONTANO:

Counsel, I'm just looking at this quickly. With respect to the reverter clause, it says, "revert to the County in the event that the above described property is not used for the above described town purposes within three years." Can you just explain that to me in terms of what it provides.

MS. KNAPP:

We routinely in our 72•Hs provide for a reverter. We have been doing them for three years. On occasion, the Legislature's been called upon to extend that time period because a

municipality has not been able to comply with the requirements of the reverter clause. But it is a reverter, not a right of re•entry. Technically if they don't use it, the title will come back to the County.

LEG. MONTANO:

Okay. Thank you.

MS. ZIELENSKI:

Can I just add to that? There was a time, I think that predates me, that the Legislature requested information regarding the success of reverter clauses or the need to invoke them. And I just wanted to say that the Real Estate Department is currently undergoing an extensive and exhaustive review of all those properties that we have put out there under 72•H as to they're being properly utilized by the towns.

LEG. MONTANO:

That's my point.

MS. ZIELENSKI:

And have actually found very few instances where there's a problem at all. We have completed the five Eastern Towns, we're starting on the Western Towns currently. And as soon as that's concluded, we'll do a report to the full Leg on that particular issue.

CHAIRMAN O'LEARY:

All right. Thank you. Any further questions?

LEG. MONTANO:

No.

CHAIRMAN O'LEARY:

1925, motion to approve by Legislator Montano, seconded by myself •• we did that. I'm sorry. 1931.

LEG. MONTANO:

That's your motion.

CHAIRMAN O'LEARY:

Motion to approve by myself, seconded by Legislator Losquadro. No further questions on the motion? All those in favor? Opposed? Abstentions? 1931 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:5•0•0•0)**.

1936, authorizing the sale of County owned real estate pursuant to Section 215, New York State County Law to Solaman Abishour, Maurice Abishour and Isaac Abishour (NOWICK). Pat?

MS. ZIELENSKI:

This has been approved and reintroduced. I have a note here that Legislator Kennedy had represented some of these people, and in order to be sure that there's no conflict, it's been reintroduced by Legislator Nowick.

LEG. KENNEDY:

Just to clarify the record, if I can. In no time did I personally ever represent the Abishours. However, after the fact that I did introduce a resolution •• my office was approached about introducing it, I became aware that Mr. Abishour actually was represented by one of the colleagues in the law office that I am of Counsel to for purposes of Social Security Disability. So at that time, I withdrew. And as for this resolution for today, I will abstain, although, I have never had any direct involvement or contract nor any pecuniary gain associated with this individual.

CHAIRMAN O'LEARY:

Counsel, there are no constraints or issues that we can't advance this particular res?

MS. KNAPP:

No. Mr. Abishour •• at least one of the Abishour brothers were involved in a very, very, very serious car accident and has had ongoing physical disabilities that the whole family seems to be dealing with.

CHAIRMAN O'LEARY:

Okay. I will entertain a motion to approve and place on the Consent Calender by myself,

seconded by Legislator Montano. On the question of the motion to approve 1936 and place on the Consent Calender?

LEG. KENNEDY:

I abstain.

CHAIRMAN O'LEARY:

Legislator Kennedy abstains. Motion passes and is placed on the Consent Calender.

APPROVED and placed on the **CONSENT CALENDER (VOTE:4•0•1•0 • Abstention: Legis. Kennedy).**

SENSE RESOLUTION

S.53, Sense of the Legislature Resolution requesting Suffolk County towns to safeguard property rights when exercising the power of eminent domain (BINDER). I will make a motion to approve, seconded by Legislator Losquadro. On the question of the motion to approve?

LEG. KENNEDY:

Mr. Chairman, my office did receive correspondence from the Smithtown Director of Planning regarding this Sense Resolution in which he expressed concern •• actually from the Town of Smithtown •• opposed this Sense going forward in its current form. He said it would work a hardship on a lot of the municipalities impacted by a subdivision map change and alteration of this section of law as it stands now.

LEG. LOSQUADRO:

No, that's tabled. This is 53.

LEG. MYSTAL:

Never mind.

LEG. KENNEDY:

Strike that.

CHAIRMAN O'LEARY:

All right. We're still on 53. There's a motion to approve, seconded by Legislator Losquadro. On the question. Hearing none, all those in favor? Opposed? Abstentions? 53 is **APPROVED (VOTE:5•0•0•0)**.

TABLED SENSE RESOLUTION

S.37, Sense of the Legislature Resolution requesting State of New York to repeal the requirement that two years elapse from the filing of a subdivision map before the map can be abandoned (TONNA). Is that what you were speaking of?

LEG. KENNEDY:

That's what I was speaking of.

CHAIRMAN O'LEARY:

That's going to continue to be tabled. Motion by Legislator Kennedy, seconded by myself to table. Hearing none, all in favor? Opposed? Abstentions? **TABLED. (VOTE:5•0•0•0)**.

I believe we have an Executive Session to go into. We'll recess shortly, we will be back.

(*AN EXECUTIVE SESSION WAS HELD FROM 10:41 A.M. UNTIL 11:21 A.M.*)

(*THE MEETING WAS ADJOURNED AT 11:21 P.M.*)

_ _ DENOTES BEING SPELLED PHONETICALLY